U. S. Bankruptcy Court
226 West Second Street
Flint, MI 48502

FILED

2017 FEB -6 P 3:13

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-FLINT

In Re: Helen Cameron, Debtor, Pro Se, Chapter 13
Case No: 16-32931-dof

DEBTOR'S MOTION FOR RECONSIDERATION OF DISMISSAL AND IN THE ALTERNATIVE REINSTATEMENT OF DEBTOR'S CHAPTER 13 CASE AND FOR REINSTATEMENT AND EXTENSION OF THE AUTOMATIC STAY AND DEBTOR'S REQUEST FOR RULING ON SHOW CAUSE ANSWER AND IN THE ALTERNATIVE EXTENSION OF TIME TO FILE MISSING SCHEDULES FROM JANUARY 18, 2017 TO FEBRUARY 17, 2017

Now comes Debtor, Helen Y. Cameron, and moves this Honorable Court for Reconsideration of Dismissal and in the alternative Reinstatement of Debtor's Chapter 13 case and for Extension of the Automatic Stay and Debtor's Request for Ruling on Show Cause Answer filed on or about January 18, 2017 (see copy attached marked Debtor's exhibit 3) and in the alternative extension of time to file missing schedules from January 18, 2017 to February 17, 2017..

Background and in support of this motion, Debtor states as follows:

1. The instant Chapter 13 Voluntary Petition was filed in this Eastern District of Michigan on December 8, 2016. Said filing was mailed first class from Boston, MA and did not reach the Bankruptcy Court and/or Office of the Clerk in Flint, MI for recording until December 27, 2016*, approximately 19 days later, and, U. S. mail from Flint to Boston takes 4 to 19 days for delivery (see attached U.S. postal disclaimer marked Debtor's exhibit 2).

2. Also, on December 27, 2016*, Court Clerk addressed a Notice of Deficiency to the Debtor listing therein only 3 missing documents: 1) acceptable (typed) list of creditors; 2) petition cover sheet; and 3) proposed order (re waiver of Credit Counseling). However, on or about January 21, 2017, Debtor learned that other required documents were missing when Debtor received (on January 18) an Order to Show Cause dated January 11, 2017 to show cause why the case should not be dismissed for failure to file missing Schedules and Chapter 13 Plan by January 18, 2017, plus a provided non-working phone number for the Clerk's office which Debtor called to no avail to alert the Clerk of Debtor's intent to comply with Court Orders. (It is noteworthy that in the Voluntary Petition, Debtor

indicated that she is a disabled senior citizen thereby giving notice to all parties of the requirement of special accommodations under Americans with Disabilities Act (ADA), et.al.).

3. On January 18, the Debtor responded to the Order to Show Cause explaining why she could not file said missing documents by January 18, 2017, that being, without limitation, first class U. S. mail is slow, lack of receipt of timely notice of Order, and Debtor's need for the special accommodation of additional time to file under ADA. Said Motion was not denied or ruled on. However, on or about January 29, 2017, Debtor received an instant Dismissal Notice dated January 19, 2017 for reasons stated as: for failure to file (see attached Notice of Dismissal marked Debtor's exhibit 1).

4. Debtor admitted in her Show Cause Answer that there were filing errors. However, Debtor also admits she made every effort to cure such errors and to adequately provide for her creditors as well to avoid possibility of prejudice and misuse of the Automatic Stay.

5. Creditors have yet to receive Notice of the Bankruptcy filing from the Court Clerk, and Creditors have and will receive payments outside the Chapter 13 Plan therefore have not been prejudiced by Debtor's missed filings. In addition, Clerk has bombarded Debtor with a barrage of "Orders" thereby requiring Debtor to be over-extended with paperwork contrary to the Paperwork Reduction Act in effort to comply. Such bombardment has caused Debtor to fall behind in completion of required data-sheets.

Grounds for Reconsideration of Dismissal and Reinstatement of Chapter 13 Case and Reinstatement and Extension of Automatic Stay:

a. Debtor's Show Cause Answer to Dismissal was ignored or not ruled on;
b. Debtor was afforded no Hearing on Court's Order for Dismissal; Instant sanction of dismissal with no opportunity to be heard, defend, or oppose such automatic dismissal violated Debtor's right to Due Process;
c. Automatic dismissal of Debtor's Chapter 13 case denies Debtor equal protection of the laws afforded by the 14th Amendment and is thereby unconstitutional if not reversed; (See In re Edward Guidry, Justice found: "non-reinstatement of a

dismissed case ....for certain conduct without giving (him) sufficient chance to defend.....is unconstitutional", and see Reform Act, 11USC ss 707(a), 1307(c) (1978): "filing deficiencies were handled under the bankruptcy court's broad power to dismiss cases.....for cause including unreasonable delay by the debtor that is prejudicial to creditors but "only after notice and a hearing").

Wherefore, the Debtor moves this Honorable Court to Order the herein Chapter 13 case reinstated effective immediately and the Dismissal Order vacated, and the Automatic Stay reinstated and extended according to the Code, for Reconsideration of Dismissal and in the alternative Reinstatement of Debtor's Chapter 13 case and for Extension of the Automatic Stay and Debtor's Request for Ruling on Show Cause Answer filed on or about January 18, 2017 (see copy attached marked Debtor's exhibit 3), and in the alternative extension of time to file missing schedules from January 18, 2017 to February 17, 2017 in the interest of justice.

Respectfully,

Helen Cameron
P.O.Box 260672
Boston, MA 02126
January 30, 2017

Proposed Order

It is Ordered that the Dismissal of the Debtor's Chapter 13 case be vacated and the case be reinstated on the docket, the Automatic Stay reinstated and extended, and the Debtor time to file missing schedules and Plan be extended from January 18, 2017 to February 17, 2017.

Signed on Date: ____________________ ______________________________

Daniel S. Opperman
United States Bankruptcy Judge

226 West Second Street
Flint, MI 48502

—Debtor's Exhibit 1

UNITED STATES BANKRUPTCY COURTS
Eastern District of Michigan

Do Not Process
Filed For Reference Only

Case No.: **16–32931–dof**
Chapter: 13

In Re: (NAME OF DEBTOR(S))
Helen Y. Cameron
dba Della Terri Associates
P. O. Box 260672
Boston, MA 02126

Social Security No.:
xxx–xx–5727

Employer's Tax I.D. No.:

NOTICE OF DISMISSAL

NOTICE IS HEREBY GIVEN that an **Order of the Court Granting Dismissal of Case for Failure to File: Bankruptcy Petition Cover Sheet, Chapter 13 Plan, Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period Form 122C–1, Declaration About an Individual Debtor(s) Schedules, Declaration under Penalty of Perjury without an Attorney, List of Creditors, Schedules A–J, Statement of Financial Affairs for Individuals Filing for Bankruptcy, and Summary of Your Assets and Liabilities and Certain Statistical Information** was entered on **1/19/17**. Accordingly, the automatic stay is lifted in the above entitled case.

Dated: 1/19/17

BY THE COURT

Katherine B. Gullo , Clerk of Court
UNITED STATES BANKRUPTCY COURT

Debtor's Exhibit 2

Case # 16329l-dof

First-Class Mail®

Mail in 1-3 Business Days

Affordable mail service for standard-sized, single-piece envelopes weighing up to 3.5 oz, and large envelopes and small packages weighing up to 13 oz with delivery in 3 business days or less. From $0.49 at a Post Office™.

Buy Stamps Learn More

USPS Retail Ground™ (formerly Standard Post)

Standard Shipping in 2-8 Business Days[4]

Reliable and economical ground shipping[5] for less-than-urgent deliveries and oversized packages. From $6.65 at a Post Office.

Show Details

Media Mail®

2-8 Business Days[4]

Media Mail is a cost-effective way to send educational materials. This service has restrictions on the type of media that can be sent. From $2.63 at a Post Office.

Show Details

Disclaimers

1. Exceptions apply. For details, visit the Domestic Mail Manual. Back
2. Scheduled delivery date depends on origin, destination, and drop-off time. Some restrictions apply. For additional information, visit the Price Calculator. Back
3. In most cases, the expected delivery date printed on your receipt or provided at checkout will reflect a delivery time of 1, 2, or 3 business days and is based on origin, destination, and drop-off time. The expected delivery date does not come with a money-back guarantee. Back
4. The timeliness of service to or from destinations outside the contiguous U.S. may be affected by the limited availability of transportation. Back
5. Available for Zones 5-9, up to 70 lbs. Prices in Zones 1-4, up to 70 lbs, are only for the mailing of hazardous materials, live animals, or other items required to be shipped by ground/surface transportation. Oversized USPS Retail Ground available for Zones 1-9, up to 70 lbs, when measuring over 108 inches but not more than 130 inches in combined length and girth. Back

Debtor's Exhibit 3

Do Not Process / For Filed Reference only

U. S. Bankruptcy Court
226 West Second Street
Flint, MI 48502

In Re: Helen Cameron, Debtor, Chapter 13
Case No: 16-32931-dof

DEBTOR'S ANSWER TO SHOW CAUSE
AND REQUEST FOR EXTENSION OF TIME TO FILE REQUIRED SCHEDULES
FROM JANUARY 18, 2017 TO FEBRUARY 17, 2017

On or about December 8, 2016, the debtor filed a voluntary Petition for Bankruptcy under Chapter 13, U.S. Code. Said Petition was filed with some required documents but not all. On or about December 27, 2016, the case was "deemed" filed and on or about January 14, 2017, debtor received a notice of deficiency dated December 27, 2016. The Notice of Deficiency listed 3 missing documents: 1) acceptable list of creditors; 2) petition cover sheet; and 3) proposed order. However, on or about January 21, 2017, Debtor learned that other required documents were missing when Debtor received an Order to Show Cause dated January 11, 2017 to show cause why the case should not be dismissed for failure to file Schedules or file required Schedules by January 18, 2017. Debtor answers as follows:

It is excusable neglect that Debtor failed to file required schedules. Debtor is elderly and disabled. Debtor relies on others to help with her clerical responsibilities which is why all of Debtor's correspondence goes to a P.O. Box for daily pick-up and processing. Sometimes, mail does not arrive at the box expediently.

After reviewing the Notice of Deficiencies, Debtor wrongly assumed that all required documents, other than those listed in said Notice of Deficiencies and the Chapter 13 Plan, had been filed.

Due to Debtor's disability, Debtor requires the accommodation of additional time to file and Debtor contacted the Bankruptcy Court at 810-235-2039 to confirm compliance with what Debtor believed to be all Court Orders.

In addition, Debtor's Creditors did not yet receive a Notice of Bankruptcy filing and no current collection activity is in progress so there has been no prejudice against

Creditors regarding the Automatic Stay, if any. And, payments to creditors are being and will continue to be made outside the Plan.

Wherefore, Debtor requests the Honorable Court excuse aforementioned neglect and allow Debtor additional time to file required schedules and Chapter 13 Plan from January 18, 2017 to February 17, 2017.

Respectfully,

Helen Cameron
P.O.Box 260672
Boston, MA 02126
January 24, 2017

Proposed Order

It is Ordered that Debtor's case will not be dismissed and time to file required Schedules and Chapter 13 Plan is hereby extended from January 18, 2017 to February 17, 2017.

Signed on Date: ____________________ ______________________________

Daniel S. Opperman
United States Bankruptcy Judge